

**SUPREME COURT MINUTES
TUESDAY, SEPTEMBER 25, 2012
SAN FRANCISCO, CALIFORNIA**

S029551**PEOPLE v. JOHNSON (JOE
EDWARD)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Melissa Lipon's representation that she anticipates filing the respondent's brief by November 19, 2012, counsel's request for an extension of time in which to file that brief is granted to November 19, 2012. After that date, no further extension is contemplated.

S051968**PEOPLE v. MORELOS
(VALDAMIR FRED)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Sara Theiss's representation that she anticipates filing the appellant's opening brief by March 2013, counsel's request for an extension of time in which to file that brief is granted to November 27, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S077524**PEOPLE v. SALAZAR
(MAGDALENO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's reply brief by October 30, 2013, counsel's request for an extension of time in which to file that brief is granted to November 26, 2012. After that date, only six further extensions totaling about 330 additional days will be granted.

S093944**PEOPLE v. BERTSCH (JOHN
ANTHONY) & HRONIS
(JEFFERY LEE)**

Extension of time granted

On application of appellant John Anthony Bertsch and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 20, 2012.

S099549**PEOPLE v. LOPEZ
(MICHAEL AUGUSTINE)**

Extension of time granted

Good cause appearing, and based upon Supervising Senior Deputy State Public Defender Evan Young's representation that she anticipates filing the appellant's reply brief by December 2012, counsel's request for an extension of time in which to file that brief is granted to November 26, 2012. After that date, only one further extension totaling about 30 additional days will be granted. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S146939**PEOPLE v. CAPERS (LEE
SAMUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 20, 2012.

S148863**PEOPLE v. FRAZIER
(ROBERT WARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 20, 2012.

S174549**HAMILTON (BERNARD LEE)
ON HC**

Extension of time granted

Good cause appearing, and based upon counsel Jeannie R. Sternberg's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 13, 2013, counsel's request for an extension of time in which to file that document is granted to November 13, 2012. After that date, only five further extensions totaling about 350 additional days are contemplated.

S180404**McWHORTER (RICHARD
ALLEN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Brook A. Bennigson's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by January 21, 2013, counsel's request for an extension of time in which to file that document is granted to November 20, 2012. After that date, only one further extension totaling about 60 additional days are contemplated.

S190730**HOUSTON (ERIC
CHRISTOPHER) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel David H. Schwartz's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 22, 2012, counsel's request for an extension of time in which to file that document is granted to October 22, 2012. After that date, no further extension is contemplated.

S194705**HORNING (DANNY RAY) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Assistant Federal Defender Joseph Schlesinger's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 17, 2013, counsel's request for an extension of time in which to file that document is granted to November 16, 2012. After that date, only six further extensions totaling about 330 additional days will be granted.

S195560**GONZALEZ (EDWIN
NAYAM) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to November 30, 2012.

S196958**HOWARD (DEMETRIUS
CHARLES) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Christine Levingston Bergman's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by February 1, 2013, counsel's request for an extension of time in which to file that document is granted to November 27, 2012. After that date, only one further extension totaling about 65 additional days is contemplated.

S199074

B230859 Second Appellate District, Div. 2

**ROSE (HAROLD) v. BANK OF
AMERICA, N.A.**

Extension of time granted

On application of San Francisco City Attorney and good cause appearing, it is ordered that the time to serve and file the application for permission to file an amicus curiae brief, is extended to October 5, 2012.

S199557 D057446 Fourth Appellate District, Div. 1**SAN DIEGO, CITY OF v.
BOARD OF TRUSTEES OF
THE CALIFORNIA STATE
UNIVERSITY**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits and oppositions to the two requests for judicial notice is extended to October 23, 2012.

No further extensions will be granted.

S200323**BRYANT (STANLEY) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Jaime L. Fuster's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by March 21, 2013, counsel's request for an extension of time in which to file that document is granted to November 26, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

S200475 B225932 Second Appellate District, Div. 8**WESTERN STATES
PETROLEUM ASSOCIATION
v. STATE BOARD OF
EQUALIZATION**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief is extended to December 17, 2012.

S202037 B200831 Second Appellate District, Div. 3**McWILLIAMS (JOHN W.) v.
CITY OF LONG BEACH**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to October 26, 2012.

S202390**STEPANOV (MARIYA) ON
H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to October 26, 2012.

S203329**JOHNSON (MICHAEL
RAYMOND) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response to the petition for writ of habeas corpus is extended to November 16, 2012.

S204795**VO (LOI TAN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Moona Nandi's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by November 26, 2013, counsel's request for an extension of time in which to file that document is granted to November 19, 2012. After that date, only six further extensions totaling about 370 additional days are contemplated.

S203744

B231338 Second Appellate District, Div. 8

**PEOPLE v. VARGAS
(DARLENE A.)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Melanie K. Dorian is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S204255

H037138 Sixth Appellate District

**MACY (DANIEL JAMES) v.
S.C. (PEOPLE)**

Counsel appointment order filed

Upon request of petitioner for appointment of counsel, Arthur Dudley is hereby appointed to represent petitioner on the appeal now pending in this court.

S130495**MASTERS (JARVIS J.) ON
H.C.**

Order filed

Any response by the referee, the California Department of Corrections and Rehabilitation, and the San Francisco Police Department to petitioner's letter brief, filed on September 11, 2012, must be served and filed no later than October 10, 2012. The Clerk is directed to serve copies of this order on the referee and the legal representatives of the Department of Corrections and Rehabilitation and the San Francisco Police Department.

S199119 B228027 Second Appellate District, Div. 1 **SANCHEZ (GIL) v.
VALENCIA HOLDING
COMPANY LLC**

Order filed

The application of Employers Group requesting permission to file a extension to October 31, 2012, to file the amicus curiae is hereby denied.

S202107 A124765/A130151 First Appellate District, Div. 3 **PEOPLE v. TOM (RICHARD)**

Order filed

The application filed by respondent on September 18, 2012, requesting permission to file the opening brief on the merits in excess of 14,000 words is hereby granted.

S202828 B232655 Second Appellate District, Div. 8 **NEIGHBORS FOR SMART
RAIL v. EXPOSITION
METRO LINE
CONSTRUCTION
AUTHORITY (LOS ANGELES
COUNTY METROPOLITAN
TRANSPORTATION
AUTHORITY)**

Order filed

Appellant's request for permission to file the motion for stay is hereby granted.

S204387 B237147 Second Appellate District, Div. 7 **VALDEZ (ELAYNE) v.
WORKERS'
COMPENSATION APPEALS
BOARD & WAREHOUSE
DEMO SERVICES**

Order filed

The application of amicus curiae California Applicant's Attorney's Association to file an untimely opposition to the request for depublication is hereby granted.

S205287 B230066 Second Appellate District, Div. 6 **FREEMAN (JESSICA) v.
VISTA DE SANTA BARBARA
ASSOCIATES**

Order filed

The application of The Bay Federal Credit Union to file the untimely opposition to the request for depublication is hereby granted.

S183870**GELB ON DISCIPLINE**

Probation revoked

The court orders that the probation of JON ERIC GELB, State Bar Number 168848, is revoked. The court further orders that Jon Eric Gelb is placed on probation for two years subject to the following conditions:

1. JON ERIC GELB is suspended from the practice of law for the first 30 days of his probation.
2. JON ERIC GELB must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order filed on July 16, 2012.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2014 and 2015. If JON ERIC GELB fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S193233**HANSEN ON DISCIPLINE**

Probation revoked

The court orders that the probation of KIMBERLY ALLYSON HANSEN, State Bar Number 167597, is revoked. The court further orders that KIMBERLY ALLYSON HANSEN is suspended from the practice of law for one year (with credit given for the period of involuntary inactive enrollment which commenced on May 19, 2012.)

KIMBERLY ALLYSON HANSEN is placed on probation for two years, subject to conditions. KIMBERLY ALLYSON HANSEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S204051**CURTIS IV ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAMES EDWARD CURTIS IV, State Bar Number 140709, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. JAMES EDWARD CURTIS IV must make restitution to the following payees:

- (1) Monique Harris in the amount of \$5,000 plus 10 percent interest per year from October 30, 2007;
- (2) Wongetta Anderson in the amount of \$5,000 plus 10 percent interest per year from August 24, 2009;
- (3) Lenore Boykin in the amount of \$2,500 plus 10 percent interest per year from September 10, 2009;

- (4) Jackie Reynolds in the amount of \$850 plus 10 percent interest per year from January 1, 2010;
- (5) Margielen Rodriguez in the amount of \$1,450 plus 10 percent interest per year from August 1, 2009;
- (6) Adriana Magana in the amount of \$9,450 plus 10 percent interest per year from October 15, 2009;
- (7) Jose Olguin in the amount of \$3,950 plus 10 percent interest per year from August 1, 2009;
- (8) Esperanza Llamas in the amount of \$10,800 plus 10 percent interest per year from February 1, 2010;
- (9) Leticia Caceras in the amount of \$2,800 plus 10 percent interest per year from November 1, 2009;
- (10) Joan Anaya in the amount of \$2,700 plus 10 percent interest per year from October 1, 2009;
- (11) Gabino Rios in the amount of \$16,400 plus 10 percent interest per year from October 1, 2010;
- (12) Emma Magallanes in the amount of \$22,950 plus 10 percent interest per year from April 1, 2010;
- (13) Jose Martinez in the amount of \$27,700 plus 10 percent interest per year from December 1, 2010; and
- (14) Jose Hernandez in the amount of \$6,750 plus 10 percent interest per year from January 1, 2010.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

JAMES EDWARD CURTIS IV must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S204053**COMESS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RICHARD DAVID COMESS, State Bar Number 198665, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RICHARD DAVID COMESS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S204054**KIERNAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHRIS DANNA KIERNAN, State Bar Number 147669, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. CHRIS DANNA KIERNAN must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 25, 2012; and
2. At the expiration of the period of probation, if CHRIS DANNA KIERNAN has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

CHRIS DANNA KIERNAN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If CHRIS DANNA KIERNAN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S204055**DANIELS ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARY ELLEN DANIELS, State Bar Number 118730, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for 18 months subject to the following conditions:

1. MARY ELLEN DANIELS must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 5, 2012; and
2. At the expiration of the period of probation, if MARY ELLEN DANIELS has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARY ELLEN DANIELS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each

of the years 2013 and 2014. If MARY ELLEN DANIELS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S204056**QUINT ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that HOLLY JEAN QUINT, State Bar Number 183681, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

HOLLY JEAN QUINT must make restitution to the following payees:

- (1) Robert McKinney in the amount of \$6,000 plus 10 percent interest per year from May 3, 2007; and
- (2) Ricardo Ortega and Lilia Ortega in the amount of \$29,570.33 plus 10 percent interest per year from April 30, 2007.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

HOLLY JEAN QUINT must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

B239098

Second Appellate District, Div. 4

JOHN DOE FD v. DOE 1 ET AL.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Eight.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,045)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,046)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

